HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 17503 of 1998

Dated: 19-09-2007

Between:

A.Komaraiah and 8 others.

..... PETITIC

AND

The Chairman and Managing Director,
The Singareni Colleries Limited,
Kothagudem,
Khammam District.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 17503 of 1998

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of the respondents in not implementing the order dated 05-03-1997 passed in W.P.No.12406 of 1991 as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India.

In the affidavit filed in support of the writ petition, the petitioners averred that they have been working as piece rated labourers, discharging the duties of loading and unloading and they were designated as Hamalies. A settlement was reached between the Singereni Colleries Limited, Kothagudem and the Employees Union on 12-03-1990, according to which the contract labourers or casual labourers who have put in one year of service are entitled for consideration for absorption against the regular posts of General Mazdoors etc. It is further averred that since the petitioners' cases were not considered in terms of the said settlement, they filed W.P.No.12406 of 1991 and the said writ petition was disposed of on 05-03-1997 whereby a direction was given to the respondent to consider the cases of the petitioners as was earlier directed by a Division Bench of this Court by its order dated 04-07-1995 passed in W.A.No.912 of 1994. Alleging that the said order dated 05-03-1997 is not implemented, the petitioners filed the present writ petition.

I have heard Sri K.Sarath representing Sri P.V.Ramana, learned counsel for the petitioner.

In my considered view, this writ petition is wholly misconceived. If the respondent failed to consider the cases of the petitioners in terms of the order passed by this Court in W.P.No.12406 of 1991, it was open to them to initiate appropriate proceedings under the provisions of the Contempt of Courts Act. In my considered view writ jurisdiction of this Court cannot be invoked for implementation of an order passed in an earlier writ petition. Such a course, if permitted, would convert the writ proceedings in to an execution proceeding.

For the aforementioned reasons, the writ petition is dismissed. No costs.

C.V.NAGARJUNA REDDY,J

Date: 19-09-2007
KLP